

REMARKS/ ARGUMENTS

Provisional Double Patenting Rejection

Applicant has filed a terminal disclaimer in this case thus the Examiner should grant the present application.

Rejection under 35 U.S.C. 112, second paragraph

The Examiner has rejected Claim 9 stating that "the phrase 'readily ingestible' renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention." *Office Action mailed 10/08/08, page 4.*

Applicant has currently canceled the Claim 9. The claims should now be allowable.

Rejection under 35 U.S.C. 103(a)

The Examiner has rejected Claims 1, 3, 4-7, 9 and 10 as unpatentable over Sackler (US7,332,182). Applicant respectfully traverses.

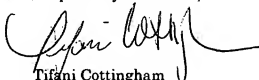
Sackler does not disclose, teach, or suggest the use of ion exchange resins as required by applicant's invention. Applicant's invention requires a resinate. According to page 4 of Applicant's description, "the resinate includes an ion exchange resin and a drug." Nowhere in Sackler is an ion exchange resin disclosed. One would not be motivated by Sackler to form a resinate by combining an ion exchange resin and a drug as required by the present invention. At best, Sackler discloses the use of a polymer generically but not one having ion exchange capabilities. The ion exchange resinate complex is a non-obvious improvement upon the previous state of the art. Thus, for the foregoing reasons, the claims should be granted. All claims in the case are now in condition for allowance

CONCLUSION

Given the foregoing claim amendment and argument and the filing of the terminal disclaimer, Applicant respectfully requests that the present claims be granted.

Should the Examiner have any concerns regarding the application, Applicant respectfully requests that the Examiner contact Applicant's undersigned attorney. The Commissioner is hereby authorized to charge any additional fee that may be required, or to credit any overpayments to Deposit Account 18-1850.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tifani Cottingham', with a long horizontal flourish extending to the right.

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